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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,593	05/08/2006	Philip Thonhauser	Philip THONHAUSER-2 PCT	1729
25889	7590	11/25/2009	EXAMINER	
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			DEO, DUY VU NGUYEN	
			ART UNIT	PAPER NUMBER
			1792	
			MAIL DATE	DELIVERY MODE
			11/25/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/578,593

**Applicant(s)**

THONHAUSER, PHILIP

**Examiner**

Duy-Vu N. Deo

**Art Unit**

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 13-15 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-15, 18-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-11, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT408987B (referred to as AT) and further in review of Eriksson (WO 98/42812) and Wegner (US 2003/0151024).

AT describes a cleaning and disinfection composition comprises permanganates and sodium peroxodisulfate (claimed oxidizing agent) (abs.; page 6, line 25-30). Unlike claimed invention, AT doesn't describe a pH buffer substance. Eriksson teaches a cleaning agent comprising sodium percarbonate (claimed pH buffer substance) (page 1, line 25-32) and One skilled in the art would find it obvious to add sodium percarbonate and polyphosphates in light of Eriksson and Wegner because they teach that the sodium percarbonate is the active washing and cleaning component (Eriksson, page 1, line 28). Also, using known elements in the art without changes in their respective functions would be obvious and yield predictable results to one skilled in the art.

Referring to claim 8, it would be obvious to one skilled in the art to choose the component concentrations through routine experimentation before any real cleaning

process is carried out in order to provide optimum concentrations for the cleaning process with predictable results.

3. Claims 9-11, 13-15, 18, 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT as applied to claim 1 above, and further in view of admitted prior art.

Referring to claims 9-11, 14, 15, AT teaches the pH is at least 11 (fig. 1). Furthermore, page 2 of the specification describes that color change (including colors of violet, yellow, and green) during the cleaning process is described in AT, wherein certain color is associated with certain species of the manganese compounds as they are reacted to form other species. Therefore, tracking the intensity of the light emitted in the such color wavelength ranges or visual evaluation of the amount of the substance external to the composition oxidized by the composition in order to monitor the cleaning process would be obvious to one skilled in the art because those colors indicate the cleaning of the organic impurities through the consumption of the oxidizing agent as suggested by AT (described in the specification, page 2).

The order of adding the components as claimed would have been obvious and within the knowledge of one skilled in the art at the time of the invention was made as long as it forms a cleaning solution with predictable results.

Referring to claim 13, it would be obvious to one skilled in the art to choose the component concentrations through routine experimentation before any real cleaning process is carried out in order to provide optimum concentrations for the cleaning process with predictable results.

4. Claims 6, 7, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT/Eriksson as applied to claims 1, 9 above, and further in view of Wegner (US 2003/0151024).

Referring to claims 6, AT doesn't describe using sodium tripolyphosphate or sodium hexametaphosphate. Wegner teaches a disinfection composition comprising polyphosphates such as sodium polyphosphate (paragraphs 10, 25). It would have been obvious for one skilled in the art in light of Wegner to use polyphosphate such as sodium tripolyphosphate or sodium hexametaphosphate because Wegner teaches polyphosphate acts as a stabilizer and accelerator (paragraph 10). Also, using known elements in the art without changes in their respective functions would be obvious and yield predictable results to one skilled in the art.

Referring to claim 21, Wegner further teaches that the cleaning/disinfecting composition can have many applications including disinfecting plant (paragraphs 0041-0045). Therefore, using the solution to clean carbonators, fillers, or brewery would have been obvious to one skilled in the art. Using known technique or method without changes in their functions would have been obvious to one skilled in the art and would yield predictable results.

***Claim Rejections - 35 USC § 112***

5. Claims 9-11, 13-15, 18, 20, 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what the cleaning, disinfecting, and indicator agent (claim 9) and "the agent" (claim 20) are. The preamble of claim 1 appears to use "cleaning, disinfecting, and indicator agent" to describe the solution. It is not clear if these are intended to describe any specific components of the solution.

6. Claim 20 recites the limitation "the agent". There is insufficient antecedent basis for this limitation in the claim.

### ***Response to Arguments***

7. Applicant's arguments filed 10/20/09 have been fully considered but they are not persuasive.

Applicant's remarks that percarbonate is a perhydrates of carbonate compounds, but not a carbonate compound is found unpersuasive because it appears that percarbonate is a form of carbonate (perhydrate) and is made from a carbonate. The structure of sodium percarbonate still has the sodium carbonate in the compound. Therefore, the sodium percarbonate would still read on claimed alkaline carbonate compound.

Referring to applicant's remarks that adding percarbonates would destroy the composition of AT '87B for its intended purpose of permanganate being a powerful oxidizing cleaner is vague. It is not clear where in AT '87B teaches such purposes and how it would affect the whole composition of AT '87B. In the other hands, applicant has not traversed that sodium percarbonate would be the active washing and cleaning (Eriksson, page 1, line 28).

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Duy-Vu N. Deo** whose telephone number is 571-272-1462. The examiner can normally be reached on **Mon-Fri**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Nadine Norton** can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Duy-Vu N Deo/  
Primary Examiner, Art Unit 1792

11/23/09